

**Table 2. Examples of State C & D Landfill Siting Restrictions Regarding: Floodplains, Endangered Species, Surface Water, and Groundwater**

<b>State</b>	<b>Regulation</b>	<b>Floodplains</b>	<b>Endangered Species</b>	<b>Surface Water</b>	<b>Ground Water</b>
<b>Wisconsin</b>	NR 503	503.04 (2) (C) Disposal not allowed within a floodplain area	Not allowed where there is a reasonable probability that a landfill will cause a taking of a threatened or endangered species.	Not allowed within 1,000 ft of any navigable lake, pond, or flowage. Nor within 300 feet of any navigable river or stream.	Not allowed within 1,200 feet of any public or private water supply well.
<b>Minnesota</b>	Minnesota Rule 7035.2825	7035.2825 Subp2 A. Disposal not allowed within a floodplain area		7035.2825 Subp2 B & D. Disposal not allowed within wetland areas or within a shoreline area. Surface water drainage must be diverted around and away from the fill areas. Slopes and drainageways must be designed to prevent erosion. Slopes longer than 200 feet must be interrupted with drainageways.	7035.2825 Subp2 E. Disposal not allowed within a water table within five feet of the lowest fill elevation.
<b>Ohio</b>	OAC Chapter 3745-400: Construction & Demolition Debris	3745-400-06 (1) Disposal not allowed within the boundaries of the one-hundred-year flood plain of a watercourse			3745-400-06 (2) Disposal not allowed within the boundaries of a sole source aquifer under the "Safe Drinking Water Act," 88 Stat. 1660 , 42 U.S.C.A. 300F, as amended.
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<b>Illinois</b>	Title 35, Sub J, Chpt 1, Part 1100, sections 101-104	The facility shall not restrict the flow of a 100-year flood, result in washout of solid waste from the 100-year flood, or reduce the temporary water storage capacity of the 100-year floodplain, unless measures are undertaken to provide alternative storage capacity such as lagoons, holding tanks, or provision of drainage around structures at the facility.	The facility shall not be located in areas where it may jeopardize the continued existence of any designated endangered species, result in the destruction or adverse modification of the critical habitat listed for such species, or cause or contribute to the taking of any endangered or threatened species of plant, fish or wildlife listed pursuant to the Endangered Species Act 16 U.S.C. 1531 et seq., or the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1989, ch. 8, par. 331 et seq.).	<p>Diversion of Runoff from Unfilled Areas</p> <p>The facility shall not cause a violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).</p> <p>The facility shall not cause a violation of any requirements implementing an area-wide or statewide water quality management plan for nonpoint source pollution that has been approved under Section 208 of the Clean Water Act (33 U.S.C 1288).</p>	<p>C &amp; D debris fill operations must not be located inside a setback zone of a potable water supply well. (See Section 3.160(b)(i) of the Act.)</p> <p>The facility shall not cause a violation of Section 404 of the Clean Water Act (33 U.S.C. 1344).</p> <p>The facility shall not cause a violation of any requirements implementing an area-wide or statewide water quality management plan for nonpoint source pollution that has been approved under Section 208 of the Clean Water Act (33 U.S.C 1288).</p>
<b>Indiana</b>	Indiana Administrative Code. Title 329. Solid Waste Management Board. Article 10. Solid Waste Land Disposal Facilities Rule 33 Restricted Waste Site Type III and Construction/Demolition Sites; Location Restrictions	Waste site Type III must be prohibited from the following areas: (9) Within the flood plain unless the waste is protected from floodwater inundation by a dike with a top elevation not less than three (3) feet above the base flood elevation.	Waste site Type III must be prohibited from The critical habitat of an endangered species as defined by 50 CFR 17.	<p>Waste site Type III must be prohibited from Wetlands in violation of Section 404 of the Clean Water Act as amended February 4, 1987.</p> <p>(8) Within one hundred (100) feet of the normal water line of any lake, reservoir, or continuously flowing stream.</p>	<p>Waste site Type III must be prohibited from</p> <p>(6) Within six hundred (600) feet of a potable water well in use as a water supply for a dwelling or dwellings</p> <p>The increased height and horizontal expansions of the fill area, beyond that which had been approved previously and for new facilities, must have a barrier between the solid waste and an aquifer.</p>

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<b>Florida</b>	FDEP 62-701.730 Solid Waste Management Facilities Also, 62-701.300	No solid waste may be disposed of in an area subject to flooding.		No solid waste may be disposed of Within 200 feet of a water body, including wetlands nor In a water body, including groundwater.	No solid waste may be disposed of In a water body, including groundwater nor Within 500 feet of potable wells.
<b>Massachusetts</b>	19.206: Construction and Demolition (C&D) Waste Processing Facilities Requirements	19.115: Storm water controls shall be designed to:(a) prevent flow onto the active portion of the landfill during the peak discharge from a 24 hour, 100-year storm; (b) control the peak rate of run-off from the entire landfill resulting from a 24 hour, 25-year storm; and to the extent practicable, if an evaluation of the peak rate of run-off resulting from a 24-hour, 100-year storm indicates there will be flooding up or downstream of the site.		19.116 Landfills shall be prevented from direct discharge of contaminated run-off or leachate from the landfill to any surface water except in accordance with a National Pollution Discharge Elimination System permit issued by the U.S. Environmental Protection Agency. 310 CMR 19.038  Landfill should be sited at least: e. 2500 feet upgradient or 500 feet downgradient of a surface drinking water supply; f. 250 feet upgradient of a perennial watercourse that drains to a surface drinking water supply where the landfill is within one mile of the surface drinking water supply; or g. 250 feet of a lake, pond or river (not including a stream) as defined in 310 CMR 10.00, other than a drinking water supply.	19.114 The owner or operator of landfills may apply for a waiver from one or more of the ground water protection system or final cover requirements pursuant to 310 CMR 19.114(2).

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<b>New York</b>	Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York 6 NYCRR Subchapter B: Solid Wastes Part 360: Solid Waste Management Facilities Section 360-7.3 Section 360-7.4	The facility must not be located within a floodplain or within 100 feet of a federal or State regulated wetland. Owners or operators of new landfill units, existing landfill units and lateral expansions located in 100-year floodplains must demonstrate that the unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.		The required horizontal separation between deposited solid waste and any surface waters must be adequate to preclude contravention of State surface water standards in the surface water body or flooding of the landfill from the surface water body.	360-7.4 (a)(5)(i)(a)(1) **Except as provided in subclause (2) of this clause, no new landfill and no lateral expansion of an existing landfill may be constructed over primary water supply aquifers, principal aquifers, or within a public water supply stabilized cone of depression area.
<b>Louisiana</b>	Title 33 ENVIRONMENTAL QUALITY Part VII. Solid Waste Subpart 1. Solid Waste Regulations	Chapter 7, Subchapter D, 719, C, 1 Facilities located in a floodplain, wetlands, or areas historically subject to overflow from floods must be filled to bring site elevation above flood levels or otherwise protected by measures approved on a site-specific basis. Perimeter levees or other measures must provide and maintain adequate protection against the 100-year		Chapter 7, Subchapter D, 719, A, 3 Environmental Facilities located in or within 1,000 feet of swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by barriers that eliminate probable adverse impacts from facility operations.	Chapter 7, Subchapter D, 719, C, 3 Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility

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		flood elevation. Chapter 7, Subchapter D, 719, C, 3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have not received final cover to adjoining areas during a 24-hour/25-year storm event.			
<b>Texas</b>	Texas Administrative Code Title 30 Environmental Quality Part 1 Texas Commission On Environmental Quality Chapter 330 Municipal Solid Waste	Subchapter M RULE §330.547 (a) No solid waste disposal operations shall be permitted in areas that are located in a 100-year floodway as defined by the Federal Emergency Management Administration.	RULE §330.551 (a) A facility and the operation of a facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.	RULE §330.553 (a) Municipal solid waste storage or processing facilities shall not be located in wetlands unless the owner or operator makes each of the demonstrations identified in subsection (b)(1) - (5) of this section.	RULE §330.549 Rule specific to MSW
<b>Nevada</b>	Nevada Administrative Code Chapter 444  NAC 444.652 Disposal of special wastes: Wastes from construction, demolition. Class III Sites NAC 444.735 Location. (NRS 444.560)	Safeguard against water pollution originating from the decomposed solid waste at the site	(3) Jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of a critical habitat, protected by the federal Endangered Species Act of 1973 (16 U.S.C. §§ 1531 et seq.).	Not be within 1,000 feet of any surface water or be within 100 feet of the uppermost aquifer if the site is approved after September 2, 1992, unless approved by the solid waste management authority. Safeguard against water pollution originating from the decomposed solid waste at the site.	Not be within 1,000 feet of any surface water or be within 100 feet of the uppermost aquifer if the site is approved after September 2, 1992, unless approved by the solid waste management authority. Safeguard against water pollution originating from the decomposed solid waste at the site.

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<b>California</b>	20240. SWRCB - Classification and Siting Criteria. (C15: section 2530-33). 20260. SWRCB - Class III: Landfills for Nonhazardous Solid Waste <i>Chapter 3</i> Criteria for All Waste Management Units, Facilities, and Disposal Sites <i>Subchapter 2</i> . Siting and Design <i>Article 3</i> . Waste Management Unit, Facility, or Disposal Site Classification and Siting	New Class III and existing Class II-2 landfills shall be designed, constructed, operated, and maintained to prevent inundation or washout due to floods with a 100 year return period. MSW landfills are also subject to any more-stringent flood plain and wetland siting requirements referenced in SWRCB Resolution No.93-62 (i.e., see Sections 258.11, 258.12, and 258.16 of 40CFR258).		Where consideration of the factors in (b)(1) indicates that site characteristics alone do not ensure protection of the quality of ground water or surface water, Class III landfills shall be required to have a single clay liner with hydraulic conductivity of $1 \times 10^{-6}$ cm/sec or less.	MSW landfills are subject to the SWRCB-promulgated waste containment requirements of this subdivision and of SWRCB Resolution No. 93-62. New Class III and existing Class II-2 landfills shall be sited where soil characteristics, distance from waste to ground water, and of water beneath or adjacent to the landfill. Factors that shall be evaluated include: factors will ensure no impairment of beneficial uses of surface water or of ground
<b>New Mexico</b>	NMSA 1978, §§ 74-1-8(A)(14) and the Solid Waste Act, NMSA 1978, §§ 74-9-1 to 74-9-42. Title 20 Environmental Protection Chapter 9 Solid Waste Part 1 Solid Waste Management Subpart I ii Maximum Size; Siting Criteria; Design Criteria	No construction or demolition landfill shall be located in the following areas:  1. in floodplains, within 500 feet of wetlands, or 200 feet of a watercourse	No construction or demolition landfill shall be located within areas that will result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in either 50 CFR Part 17 or the latest version of the Handbook of Species Endangered in New Mexico;		No construction or demolition landfill shall be located in areas where depth to seasonal high water table will be:  closer than 50 feet to the bottom of the fill; within 1,000 feet of a public water supply well or private well that pumps 100 gallons a minute or more; within 350 feet of a public water supply well or private well that pumps less than 100 gallons per minute.

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<b>Washington</b>	WAC 173-350-410 Inert waste landfills. RCW 70.95.065 Inert waste landfills.			In a channel migration zone as defined in WAC 173-350-100, or within one hundred feet measured horizontally, of a stream, lake, pond, river, or saltwater body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 248-54-660(4).	No inert waste landfill's active area shall be located closer than one hundred feet to a drinking water supply well
<b>Oregon</b>	Department Of Environmental Quality, Division 95 Solid Waste: Land Disposal Sites Other Than Municipal Solid Waste Landfills	No person shall establish, expand or modify a non-municipal land disposal site in a floodplain in a manner that will allow the facility to restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human life, wildlife or land or water resources	No person shall establish, expand or modify a non-municipal land disposal site in a manner that will cause or contribute to the actual or attempted: (a) Harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing or collecting of any endangered or threatened species of plants, fish, or wildlife; (b) Direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat.	6) (a) No person shall cause a discharge of pollutants from a non-municipal land disposal site into public waters including wetlands, in violation of any applicable state or federal water quality rules or regulations;	Sensitive Hydrogeological Environments. No person shall establish or expand a non-municipal land disposal site in a gravel pit excavated into or above a water table aquifer or other sole source aquifer, or in a wellhead protection area, where the Department has determined that: (a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and (b) Existing natural protection is insufficient or inadequate to minimize the risk of polluting groundwater.

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